



THE

JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 129] Srinagar, Thu., the 8th Sept., 2016/17th Bhad., 1938. [No. 23

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Printed at the Government Press, Srinagar.

PART I-A

Jammu & Kashmir Government–Orders

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU.

Notification

No. 260 Dated 25-04-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Ms. Fatima Irshad D/o Mr. Irshad Hussain Sofi R/o Search Payeen Nunar, Tehsil and District Ganderbal vide Notification No. 353 dated 14-07-2014 has been declared as absolute/final.

By order.

Notification

No. 261 Dated 25-04-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Balbir Singh S/o Mr. Kamal Singh R/o Supwal, Tehsil Samba, District Samba vide Notification No. 903 dated 23-12-2014 has been declared as absolute/final.

By order.

Notification

No. 262 Dated 25-04-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Basharat Ahmed S/o Mr. Mohd Bashir

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R/o Mahra Village, Tehsil Surankote, District Poonch vide Notification No. 1135 dated 23-02-2015 has been declared as absolute/final.

By order.

Notification

No. 263 Dated 25-04-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Jagdish Lal Sharma S/o Mr. Parma Nand Sharma R/o H. No. 107, Lane No. 10, Greater Kailash, Jammu vide Notification No. 400 dated 15-10-2015 has been declared as absolute/final.

By order.

Notification

No. 264 Dated 25-04-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Sanjay Langeh S/o Mr. D. S. Langeh R/o H. No. 12, Ashok Nagar, Near Canal Power House, Bhagwati Nagar, Jammu vide Notification No. 915 dated 23-12-2014 has been declared as absolute/final.

By order.

Notification

No. 265 Dated 25-04-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Raghubir Singh S/o Mr. Manohar Singh R/o H. No. 263, Pacci Dhakki, Jain Bazar, Jammu vide Notification No. 1079 dated 19-03-2014 has been declared as absolute/final.

By order.

Notification

No. 266 Dated 25-04-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Ms. Bhawna Gupta D/o Mr. Dinesh Gupta R/o House No. 20, Naseeb Nagar, Janipur, Jammu vide Notification No. 34 dated 18-04-2015 has been declared as absolute/final.

By order.

Notification

No. 267 Dated 25-04-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Sahil Chowdhary S/o Mr. Darshan Singh R/o New Barti Khour Salarian, Nandhpur, Samba A/P Lane No. 16, Greater Kailash, Jammu vide Notification No. 522 dated 13-10-2014 has been declared as absolute/final.

By order.

Notification

No. 269 Dated 25-04-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Amit Raina S/o Mr. Dwarka Nath Raina R/o House No. 3, Talli Morh, Doordarshan Lane, Jammu vide Notification No. 1353 dated 30-03-2015 has been declared as absolute/final.

By order.

Notification

No. 270 Dated 25-04-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Ms. Afiya Tabassum Malik D/o Mr. Riaz-ul-Hassan

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Malik R/o Lowang, Tehsil Bani, District Kathua A/P Bathindi Near Gulfam Hotel, Jammu vide Notification No. 1385 dated 30-03-2015 has been declared as absolute/final.

By order.

Notification

No. 271 Dated 25-04-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Mohd Yaseen S/o Mr. Mohd Bashir R/o Fatehpur Danna, Tehsil and District Rajouri vide Notification No. 361 dated 14-07-2014 has been declared as absolute/final.

By order.

Notification

No. 272 Dated 25-04-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Parshant Kumar Magotra S/o Mr. Yash Paul Magotra R/o Nagri Parole, Traf Bala, Kathua vide Notification No. 1163 dated 23-02-2015 has been declared as absolute/final.

By order.

Notification

No. 273 Dated 25-04-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Ms. Sonia Manhas D/o Mr. Pritam Singh R/o Bhalwal Malo, Akhnoor, Jammu vide Notification No. 491 dated 13-10-2014 has been declared as absolute/final.

By order.

Notification

No. 274 Dated 25-04-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Rakesh Kumar S/o Mr. Madan Lal R/o Gopal Nagar, Kundrorian, Katra, Tehsil and District Reasi vide Notification No. 350 dated 14-07-2014 has been declared as absolute/final.

By order.

Notification

No. 275 Dated 25-04-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Raja Faisal Malik S/o Mr. Zahoor Ahmad Malik R/o Moogwall, Malikpora, Anantag A/P Channi Rama Opp. Tawish B.ed. College, Jammu vide Notification No. 1130 dated 20-03-2014 has been declared as absolute/final.

By order.

Notification

No. 276 Dated 25-04-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Partap Singh S/o Mr. Thakar Dass R/o Senabathi, Tehsil Banihal, District Ramban vide Notification No. 513 dated 13-10-2014 has been declared as absolute/final.

By order.

Notification

No. 277 Dated 25-04-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Ms. Anjana Sharma D/o Mr. Madan Lal Sharma

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R/o Ward No. 07, C/o Madan Lal Sharma, Village Mandi, District Udhampur
vide Notification No. 285 dated 23-05-2014 has been declared as
absolute/final.

By order.

Notification

No. 278 Dated 25-04-2016.

Provisional admission as an Advocate granted under the Advocates
Act, 1961 in favour of Mr. Nadeem Ahmad Pandit S/o Mr. Mohd Yousuf
Pandit R/o Nowpora, Khanyar, Srinagar vide Notification No. 1071 dated
19-03-2014 has been declared as absolute/final.

By order.

Notification

No. 279 Dated 25-04-2016.

Provisional admission as an Advocate granted under the Advocates
Act, 1961 in favour of Mr. Harit Sharma S/o Mr. Rajesh Sharma R/o
Opposite District Court Complex, Ward No. 2, Kathua vide Notification
No. 936 dated 23-12-2014 has been declared as absolute/final.

By order.

Notification

No. 280 Dated 25-04-2016.

Provisional admission as an Advocate granted under the Advocates
Act, 1961 in favour of Ms. Megha Pachnanda D/o Mr. Arun Pachanada
R/o H. No. 7A, Lane No. 2, Shakti Nagar, Jammu vide Notification
No. 72 dated 22-05-2013 has been declared as absolute/final.

By order.

Notification

No. 281 Dated 25-04-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Ms. Honey Bali D/o Mr. Bharat Bhushan Bali R/o House No. 571, Peer Mitha, Jammu vide Notification No. 40 dated 21-04-2015 has been declared as absolute/final.

By order.

Notification

No. 282 Dated 25-04-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Manjeet Singh S/o Mr. Abhiman R/o Seri, Tehsil and District Ramban A/P C/o Rahul Sharma, Room No. 31, Boys Hostel, Old University Road, Jammu vide Notification No. 310 dated 31-05-2014 has been declared as absolute/final.

By order.

(Sd.) MOHAMMAD YASIN BEIGH,

Joint Registrar (Admn.).



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PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIAT—GENERAL ADMINISTRATION
DEPARTMENT.
(Services)

Subject :—Assigning the charge of the post of Director, Information
to Dr. Shahid Iqbal Choudhary, IAS.

Reference :—Government Order No.772-GAD of 2016 dated
29-7-2016.

Government Order No. 868-GAD of 2016

Dated 08-08-2016.

It is hereby ordered that Dr. Shahid Iqbal Choudhary, IAS : 09,
Additional Secretary in the Chief Minister's Secretariat shall hold the

charge of the post of Director, Information, J&K also, till further orders, relieving Mr. Bashir Ahmad Dar, KAS, Special Secretary in the Chief Minister's Secretariat of the additional charge.

By order of the Government of Jammu and Kashmir.

(Sd.) IMTEEAZ KACHO,

Deputy Secretary to the Government.

GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIAT—HIGHER EDUCATION DEPARTMENT.

Subject :—Retirement of Principals, Assistant/Associate Professors, Librarians and PTIs of Govt. Degree Colleges during the years 2016 and 2017.

Notification

It is hereby notified for information of all the concerned that the Principals, Assistant/Associate Professors, Librarians and PTIs of Govt. Degree Colleges, whose particulars are given in the Annexure to this notification, will retire from Government service on superannuation, in terms of Article 285, J&K CSR from the dates indicated as against each.

(Sd.) ABDUL HAMID, KAS,

Addl. Secretary to the Government,
Higher Education Department.

Annexure

List of Officers of Higher Education Department who are retiring from Government service during the years 2016-2017.

Principal :

S. No.	Name of Principal	Date of Birth	Date of Retirement
1	2	3	4
1.	Sh. Zahoor Ahmad	08-06-1956	30-06-2016
2.	Sh. Tariq Ahmed Kawoos (Director, Colleges)	01-09-1956	31-08-2016
3.	Mrs. Savitri Sharma	09-02-1957	28-02-2017
4.	Sh. J. L. Bhagat	05-03-1957	31-03-2017
5.	Sh. Mumtaz Ali	05-04-1957	30-04-2017
6.	Ms. Anjli Razdan	09-04-1957	30-04-2017
7.	Sh. Nater Singh	25-04-1957	30-04-2017
8.	Mrs. Renu Goswami	27-05-1957	31-05-2017
9.	Sh. M. Ashraf Shah	16-09-1957	30-09-2017

Assistant/Associate Professors/Librarian/PTIs :

S. No.	Name of Associate Professor	Subject	Date of Birth	Date of Retirement
1	2	3	4	5
1.	Mrs. Kailash Mehra	Music	02-06-1956	30-06-2016
2.	Sh. A. R. War	Arabic	15-08-1956	31-08-2016
3.	Mrs. Neelam Mohan	English	20-09-1956	30-09-2016
4.	Sh. Sudha Sehgal	Physics	25-09-1956	30-09-2016
5.	Sh. B. B. Sharma	Sanskrit	01-10-1956	31-10-2016

1	2	3	4	5
6.	Sh. A. R. Khanday	History	01-10-1956	31-10-2016
7.	Sh. Khurshid Anwar	Geography	17-12-1956	31-12-2016
8.	Sh. B. L. Bhat	Chemistry	24-12-1956	31-12-2016
9.	Sh. Zaheer Abass Sh. Hashmi	Urdu	03-01-1957	31-01-2017
10.	Mrs. Farida Koul	Urdu	10-02-1957	28-02-2017
11.	Sh. Showkat Ali Bhat	Geography	01-03-1957	28-02-2017
12.	Sh. B. A. Najar	Botany	04-03-1957	31-03-2017
13.	Sh. Kuldeep Singh Chowdhary	Botany	11-03-1957	31-03-2017
14.	Sh. Ab. Majid Bhat	Education	12-03-1957	31-03-2017
15.	Sh. Fayaz Ahmad Mir	Commerce	01-04-1957	31-03-2017
16.	Sh. Abdul Rashid Dar	Botany	02-04-1957	30-04-2017
17.	Sh. Harbajan Singh Bali	Zoology	03-04-1957	30-04-2017
18.	Mrs. Naseema Koul	Commerce	10-04-1957	30-04-2017
19.	Sh. Gh. Qadir Lone	Commerce	18-04-1957	30-04-2017
20.	Sh. M. P. Singh	Punjabi	22-04-1957	30-04-2017
21.	Sh. Jyoti Parkash	Sanskrit	23-04-1957	30-04-2017
22.	Ms. Hamida Parveen	Commerce	01-05-1957	30-04-2017
23.	Sh. Aijaz Ahmad Mir	Economics	07-05-1957	31-05-2017
24.	Sh. Janak Singh	Mathematics	15-06-1957	30-06-2017
25.	Sh. Rakesh Gupta	Zoology	30-06-1957	30-06-2017
26.	Sh. Aftab Ahmad Khan	Pol. Science	05-09-1957	30-09-2017
27.	Sh. Sohan Lal	Geography	14-09-1957	30-09-2017
28.	Sh. Altaf Ahmad Baba	Physics	23-09-1957	30-09-2017
29.	Sh. Nazir Ahmad Ganai	Urdu	28-09-1957	30-09-2017

1	2	3	4	5
30.	Sh. Tara Nath	Dogri	14-11-1957	30-11-2017
31.	Mrs. Anita Sharma	English	15-11-1957	30-11-2017
32.	Sh. Reyaz Ahmad Qureshi	Commerce	05-12-1957	31-12-2017
33.	Syed Mohammad Raza	Urdu	25-08-1956	31-08-2016
34.	Mrs. Veena Tandan	Botany	25-09-1956	30-09-2016
35.	Mrs. Savita Gupta	Librarian	09-10-1956	31-10-2016
36.	Sh. Gh. Mohammad Wagay	Kashmiri	01-01-1957	31-12-2016
37.	Sh. M. Ramzan Wani	Chemistry	05-01-1956	31-01-2017
38.	Sh. Abdul Rashid Dhar	Chemistry	21-01-1957	31-01-2017
39.	Sh. Manzoor Ahmad Zargar	Chemistry	31-01-1957	31-01-2017
40.	Sh. M. Rafiq Bhat	Zoology	01-03-1957	28-02-2017
41.	Mrs. Tabasum Geelani	PTI	03-03-1957	31-03-2017
42.	Sh. Iftikhar Ahmed	Geography	10-03-1957	31-03-2017
43.	Sh. Gh. Mehdi Meer	Persian	19-03-1957	31-03-2017
44.	Sh. Abdul Rashid Reshi	PTI	04-04-1957	30-04-2017
45.	Sh. Gh. Mohammad Wani	Mathematics	05-04-1957	30-04-2017
46.	Sh. Mushtaq Ahmad Lone	Zoology	05-05-1957	31-05-2017
47.	Mrs. Narayani Jamwal	PTI	12-05-1957	31-05-2017
48.	Sh. Khalil Hussain	Librarian	13-09-1957	30-09-2017

1	2	3	4	5
49.	Sh. Rakesh Chander	Chemistry	07-11-1957	30-11-2017
50.	Sh. Ab. Rashid Qadri	Urdu	19-11-1957	30-11-2017
51.	Sh. Abdul Rashid Dar	Mathematics	01-01-1958	31-12-2017

(Sd.) ABDUL HAMID, KAS,

Addl. Secretary to the Government,
Higher Education Department.

GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIAT—REVENUE DEPARTMENT.

Notification No. 40-Rev (LAJ) of 2016

Dated 17-06-2016.

Whereas, the land, specifications whereof are given in Annexure “A” to this notification, is required for establishment of Border Out Post (BOP) by BSF, at Village Mangu Chak, District Samba ; and

Whereas, on the basis of an indent placed by Inspector General, Hqrs. Frontier, BSF, Jammu vide No. AXXV/BOP/Mangu Chak/Engg/2012/9247-49 dated 30-01-2016, necessary “NOC” has been issued and conveyed by the Home Department vide No. Home/Land-Acq/43/2015/1097 dated 03-03-2015, accordingly, the notification under section 4(1) was issued by the Collector, Land Acquisition (SDM), Ghagwal vide No. SDM/G/LA/2015-16/321-330 dated 12-08-2016 for land measuring 41 Kanals 13 Marlas situated at Village Mangu Chak, District Samba for establishment of Border Out Post (BOP) by BSF ; and

Whereas, the Collector, Land Acquisition (SDM), Ghagwal vide letter No. SDM/G/15-16/1148 dated 30-01-2016 reported that the

notification issued by him under section 4(1) of the J&K State Land Acquisition Act, was served upon the interested persons for filing objections, if any, to the proposed acquisition but no objection was received within the stipulated period, as required under sections 5-A of Land Acquisition Act ; and

Whereas, the report furnished by Collector, Land Acquisition (SDM), Ghagwal vide letter referred to above, duly endorsed by Deputy Commissioner, Samba vide No. ACR/LAS/15-16/956 dated 31-03-2016, has been examined and it has been found that the land owners did not file any objection to the proposed acquisition ; and

Whereas, the Government is satisfied that the land, particulars whereof are mentioned in Annexure “A” to this notification, is required for public purposes i. e. for establishment of Border Out Post (BOP) by BSF.

Now, therefore, in pursuance of section 6 of the J&K State Land Acquisition Act, Samvat 1990, it is declared that the land measuring 41 Kanals 13 Marlas situated at Village Mangu Chak, District Samba, details whereof are indicated in Annexure “A” to this notification is required for public purposes viz. for establishment of Border Out Post (BOP) by BSF. Further, the Collector, Land Acquisition (SDM), Ghagwal is directed under section 7 of the said Act to take order for acquisition of the said land, after giving prescribed notice to the interested person(s), as required under the Land Acquisition Act/Rules.

However, the Collector concerned shall be personally responsible for identification and proper title verification of all types of land involved in the case and apportionment of compensation amongst all the interested persons/rightful claimants in accordance with the relevant laws/rules in force, while making the award.

(Sd.) MUHAMMAD AFZAL, IAS,

Commissioner/Secretary to the Government,
Revenue Department.

*Annexure “A” to Notification No. 40-Rev (LAJ) 2016
dated 17-06-2016.*

District	Village	Kh. Nos.		Area
				K. M.
Samba	Mangu Chak	399	Min	11-00
		304		02-11
		303		14-19
		159	Min	00-11
		300	Min	05-17
		298	Min	00-10
		299	Min	00-03
		297	Min	00-01
		458	Min	06-01
		Total		41-13



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PART II—A

Orders by Heads of Departments.

CHARGE REPORTS

In pursuance to the Government Order No. 772-GAD of 2016 dated 29-07-2016, the following officers have handed/taken over the charge of Commissioner, Jammu Municipal Corporation today on 29-07-2016 A. N.

(Sd.) MANDEEP KAUR, IAS,

Relieved Officer.

(Sd.) MANMOHAN SINGH, KAS,

Relieving Officer.

In pursuance to Government Order No. 14-TR of 2016 dated 11-02-2016 issued under endorsement No. TR/04/Del/2015-16 dated 11-02-2016, we the undersigned hereby certify that we have respectively handed over and taken over the charge of Drawing and Disbursing powers of Office of the Director, State Motor Garages Department, J&K today on 12th February, 2016 A. N.

(Sd.) Z. H. CHOUDHARY,

Drawing and Disbursing Officer,

Relieved Officer.

(Sd.) MOHAMMAD IQBAL,

Accounts Officer (DDO),

Relieving Officer.



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PART II—B

Notifications, Notices and Orders by Heads of Departments.

OFFICE OF THE COLLECTOR, LAND ACQUISITION,
POWER GRID CORPORATION OF INDIA LTD.,
NR-II, NARWAL BALA, JAMMU.

No. N2JM/PGCIL/CLA/2016/3472-79

Dated 17-03-2016.

Subject:—Notification under section 4 (1) of Land Acquisition Act, 1990
Samvat as amended up-to-date.

Corrigendum

Please read land measuring (01 Kanal 07 Marlas) instead of
(01 Kanal 02 Marlas) out of Khasra No. (1021/380) and (1022/380)

against Tower No. 56 and Khasra No. 1017/372 instead of Khasra No. 312 against Tower No. 57 situated at Village and Tehsil Thathri coming under the corridor of 400 KV D/C Dulhasti-Kishenpur Transmission Line entered at serial No. 5 and 6 respectively, thereby increasing total area to (08 Kanals 09 Marlas) instead of total area (08 Kanals 04 Marlas) already notified under section 4 (1) of Land Acquisition Act, 1990 Svt. as amended up-to-date issued vide this office Notification No. N2JM/PGCIL/CLA/2015/2720-26 dated 31-01-2015 ; and

Further, please read Khasra No. 31/1 instead of Khasra No. 31 against Tower No. 77 situated at Village Indrella, Tehsil Thathri and further, land measuring 14 Marlas instead of 12 Marlas out of Khasra No. 654 and Khasra No. 696/653 instead of Khasra No. 708/653 against Tower No. 78 situated at Village Parnote, Tehsil Thathri coming under the corridor of 400 KV D/C Dulhasti-Kishenpur Transmission Line entered at serial No. 6 and 7 respectively, thereby increasing total area to (16 Kanal 07 Marlas) instead of total area (16 Kanals 02 Marlas) already notified under section 4 (1) of Land Acquisition Act, 1990, Samvat as amended up-to-date issued vide this office Notification No. N2JM/PGCIL/CLA/2014/2133-39 dated 15-07-2014.

Any objections to the acquisition of the said land be filed to the undersigned within 15 days from the date of publication of this notification after expiry of the time no objection will be entertained.

(Sd.) KAMLA DEVI, KAS,

Collector, Land Acquisition,
Power Grid Corporation of India,
NR-II, Narwal, Bala,
Jammu.

OFFICE OF THE COLLECTOR, LAND ACQUISITION,
POWER GRID CORPORATION OF INDIA LTD.,
NR-II, NARWAL BALA, JAMMU.

No. N2JM/PGCIL/CLA/2016/3346-52

Dated 14-03-2016.

Subject:—Notification under section 4 (1) of Land Acquisition Act, 1990
Samvat as amended up-to-date.

Corrigendum

Area measuring 7 Marlas proposed to be acquired for Tower No. 26/0 out of Khasra No. 778 Min has inadvertently been shown located in Village Drab in section 4 (1) of Land Acquisition Act issued vide this office No. N2JM/PGCIL/CLA/2015/2614-20 dated 08-07-2015 may please be read to be acquired from Khasra No. 778 Min of Village Agral, Tehsil and District Kishtwar.

(Sd.) KAMLA DEVI, KAS,

Collector, Land Acquisition,
Power Grid Corporation of India,
NR-II, Narwal, Bye-Pass,
Jammu.

OFFICE OF THE CUSTODIAN,
EVACUEE PROPERTY DEPARTMENT, KASHMIR.

Corrigendum

Please read 1/3rd out of one half of three storeyed house along with compound instead of 2/3rd share and compound out of three storeyed house in the description column of notification dated 14-11-2015 issued under endorsement No. CEPS/JS/2142-43 dated 14-11-2015.

(Sd.).....

Custodian,
Evacuee Property Department,
Kashmir.

IN THE OFFICE OF 3RD ADDITIONAL MUNSIFF
(JMIC), JAMMU.

Present : Pooja Raina

State Vs. Nemo

P/S

Bagh-e-Bahu.

Proceeding under section 523 Cr. P. C.

Notice

Notice to the General Public.

Proclamation is issued to the General Public through this notice that a complaint under section 523 Cr. P.C. is pending disposal before this Court. Police of Police Station Bagh-e-Bahu has seized vehicle (Motor Cycle) Chasis No. MEIRG0618E0014695, bearing

Engine No. 0014659 from Mohmaya Mandir on 07-03-2016 which was found suspected on the road. Any person who may have a claim to the said property may appear before this court and establish his/her claim within six months from the date of proclamation failing which the proceeding under law shall be taken.

Given under my hand and seal of this court on 24-03-2016.

(Sd.).....

3rd Addl. Munsiff
(JMIC), Jammu.

IN THE OFFICE OF 3RD ADDITIONAL MUNSIFF
(JMIC), JAMMU.

Present : Pooja Raina

State Vs. Nemo

P/S

Bagh-e-Bahu.

Proceeding under section 523 Cr. P. C.

Notice

Notice to the General Public.

Proclamation is issued to the General Public through this notice that a complaint under section 523 Cr. P. C. is pending disposal before this Court. Police of Police Station Bagh-e-Bahu has seized vehicle (Motor Cycle) bearing Registration JK02AC-9876 and No. JK0AC-1191 from Mohmaya Mandir on 18-03-2016 which was found suspected on the road. Any person who may have a

claim to the said property may appear before this court and establish his/her claim within six months from the date of proclamation failing which the proceeding under law shall be taken.

Given under my hand and seal of this court on 24-03-2016.

(Sd.).....

3rd Addl. Munsiff
(JMJC), Jammu.

GOVERNMENT OF JAMMU AND KASHMIR,
OFFICE OF THE COLLECTOR, LAND ACQUISITION,
BUDGAM.

Subject:—Land acquisition case of Village Shumnagh.

Notification under section 4 (1)

In exercise of powers vested to me under section 4 (1) of Land Acquisition Act, Samvat 1990, I, Naseer Ahmad Wani (KAS), Collector, Land Acquisition/Assistant Commissioner, Revenue, Budgam do hereby notify the land particulars whereof are given below is required for public purpose :—

District	Tehsil	Village	Khasra No.	Area
				K. M.
Budgam	Chadoora	Shumnagh	599	00–05

Objection, if any, in this regard may be received by this office within fifteen days from the publication of this notice.

(Sd.).....

Collector, Land Acquisition,
Assistant Commissioner (Rev.),
Budgam.

GOVERNMENT OF JAMMU AND KASHMIR,
OFFICE OF THE COLLECTOR, LAND ACQUISITION,
BUDGAM.

Subject:—Land acquisition case of Village Shumnagh.

Notification under section 4 (1)

In exercise of powers vested to me under section 4 (1) of Land Acquisition Act, Samvat 1990, I, Naseer Ahmad Wani (KAS), Collector, Land Acquisition/Assistant Commissioner, Revenue, Budgam do hereby notify the land particulars whereof are given below is required for public purpose :-

District	Tehsil	Village	Khasra No.	Area
				K. M.
Budgam	Chadoora	Shumnagh	210 min	00-10

Objection, if any, in this regard may be received by this office within fifteen days from the publication of this notice.

(Sd).....

Collector, Land Acquisition,
Assistant Commissioner (Rev.),
Budgam.

GOVERNMENT OF JAMMU AND KASHMIR,
OFFICE OF THE COLLECTOR, LAND ACQUISITION,
BUDGAM.

Subject:—Land acquisition case of Village Bradipathri.

Notification under section 4 (1)

In exercise of powers vested to me under section 4 (1) of Land Acquisition Act, Samvat 1990, I, Naseer Ahmad Wani (KAS), Collector, Land Acquisition/Assistant Commissioner, Revenue, Budgam do hereby notify the land particulars whereof are given below is required for public purpose :—

District	Tehsil	Village	Khasra No.	Area
				K. M. S.
Budgam	Charisharief	Bradipathri	75	00-01-06

Objection, if any, in this regard may be received by this office within fifteen days from the publication of this notice.

(Sd).....

Collector, Land Acquisition,
Assistant Commissioner (Rev.)
Budgam.

OFFICE OF THE COLLECTOR, LAND ACQUISITION,
PWD, JAMMU.

Notification

In exercise of powers conferred by sub-section (1) of section 4 of the Land Acquisition Act, Samvat 1990, I, Surjeet Singh, KAS, Collector, Land Acquisition, PWD (R&B), Jammu hereby notify the

particulars of land given below is needed for public purpose namely for construction of Jurian Bakore road from Government Agriculture Farm House to house of Sh. Banarsi Lal R/o Chak Kora in Village Chak Kora, Tehsil Khour, District Jammu.

All the persons having interest in the land may file the objection, if any regarding acquisition of land before the undersigned within fifteen days of the issuance of this notification in the newspapers.

Particulars				
District	Tehsil	Village	Khasra Nos.	Area
				K. M.
Jammu	Khaur	Chak Kora	176	04-09
			177	02-04
			180	01-01
			Total	07-14

(Sd.) SURJEET SINGH, KAS,

Collector,
Land Acquisition, PWD,
Jammu.

OFFICE OF THE COLLECTOR, LAND ACQUISITION,
ACR, RAMBAN.

Notification

In exercise of powers vested in me under section 4, sub-section (1) of the J&K State Land Acquisition Act, 1990 Samvat, I, Vevaik Puri (KAS), Collector, Land Acquisition (ACR), Ramban do hereby

notify that below mentioned land is needed for public purpose namely for construction of Ukherhal-Bingara road under PMGSY at Village Panchal, Tehsil Pogal Paristan, District Ramban.

Particulars of land				
District	Tehsil	Village	Khasra Nos.	Area
1	2	3	4	5
				K. M.
Ramban	Pogal Paristan	Panchal	502 min	01-04
			502 min	01-08
			502 min	00-09
			502 min	00-02
			503 min	00-11
			504 min	00-03
			504 min	00-02
			504 min	00-02
			505 min	00-13
			505 min	00-10
			505 min	00-13
			505 min	00-04
			507 min	00-14
			507 min	00-12
			507 min	00-16

1	2	3	4	5
				K. M.
			507 min	00-03
			507 min	00-04
			507 min	00-02
			515 min	00-02
			516 min	00-02
			516 min	00-19
			516 min	00-07
			524 min	00-01
			527 min	00-03
			529 min	00-05
			533 min	00-04
			616 min	00-15
			Total	11-10

Objections, if any, to the proposed acquisition shall be submitted to this Collectorate within 15 days from the date of publication of this notification.

(Sd.) VEVAIK PURI, KAS,

Collector,
Land Acquisition (ACR),
Ramban.

GOVERNMENT OF JAMMU AND KASHMIR
(REHABILITATION DEPARTMENT),
OFFICE OF THE DEPUTY CUSTODIAN,
EVACUEES PROPERTY, DISTRICT POONCH.

Notification

Dated 24-02-2016.

In pursuance of sub-section (1) section 6 of the Jammu and Kashmir (Administration of Property) Act VI of 2006, the Deputy Custodian is pleased to notify for general information the list of evacuees properties specified in the schedule annexed hereto which have vested in him.

Schedule

Description	Location
Evacuee property land covered under Kh. No. 996 measuring 19 Kanlas 10 Marlas belonging to Mohd Din, and others Ss/o Bhaka Mohd, evacuees of 1947 illegal occupand of Sh. Mohd Din, Sadaq Manga Ss/o Habab Quder, Baga Mohd Shife Ss/o Badher Jamal Din, Amin Din Ss/o Mathu	Village Samot, Tehsil Surankote, Poonch.

(Sd) A. R SHEIKH,

Deputy Custodian,
Evacuee Property,
Poonch.



**THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

Vol. 129] Srinagar, Thu., the 8th Sept., 2016/17th Bhad., 1938. [No. 23

Separate paging is given to this part in order that it may be filed as a separate compilation.

ADVERTISEMENTS—C

GOVERNMENT OF JAMMU AND KASHMIR,
DIRECTORATE GENERAL, FIRE AND EMERGENCY SERVICES,
J&K, SRINAGAR.

Reference :—Cancellation of e-NIT No. 06 of 2016 dated 28-07-2016 for supply of various uniform items.

In view of amendments in BoQ, the e-NIT No. 06 of 2016 dated 28-07-2016 for supply of various uniform items is cancelled and will be retendered afresh.

(Sd.)

Director General,
Fire and Emergency Services, J&K, Srinagar.

GOVERNMENT OF JAMMU AND KASHMIR,
DIRECTORATE GENERAL, FIRE AND EMERGENCY SERVICES,
J&K, SRINAGAR.

Extension Notice

It is notified for the information of all concerned that the dates of downloading, online submission, Pre-Bid Meeting, submission of Hard Copy and date of opening of tenders in respect of e-NIT No. 07 of 2016 dated 18-08-2016 for implementation of Transparent Recruitment Process for different Non-Gazetted Posts in Fire and Emergency Services, J&K, are extended as under :—

Period of downloading of documents	up to 26-09-2016 up to 4.00 P. M.
Date of submission of online documents	up to 26-09-2016 up to 4.00 P. M.
Date of Pre-Bid Meeting	16-09-2016 at 1500 hours.
Date of submission of Hard Copy	27-09-2016 up to 4.00 P. M.
Date of Opening Tenders	28-09-2016 or any other convenient date

Other terms and conditions of the NIT shall remain unchanged.

(Sd.)

Director General,
Fire and Emergency Services, J&K, Srinagar.

رجسٹرڈ نمبر جے کے۔33

جموں و کشمیر گورنمنٹ گزٹ

جلد نمبر 129- سرینگر- مورخہ 8 ستمبر 2016ء بمطابق 17 بھادرا 1938 ویروار- نمبر 23

اشتہارات

از عدالت پیشل ایکسائز موبائل مجسٹریٹ جموں/کیمپ

سرکار بنام امریک سنگھ وغیرہ

پرچہ علت نمبر 511 سال 2004ء، تھانہ پولیس دو مانہ

بجرائم زیر دفعہ 341/354 of RPC

وارنٹ گشتی عام زیر دفعہ 512 ضف

حکم بنام : اہلکاران پولیس ریاست جموں و کشمیر بخلاف ملزم صدر۔

معاملہ مندرجہ عنوان اُلصدر میں ملزم کو بارہا بذریعہ وارنٹ گرفتاری بلا ضمانتی طلب کیا گیا ہے۔ الا ملزم کی دستیابی نہ ہوئی ہے اور وارنٹ ہذا پر تعمیل آئی ہے کہ ملزم امریک سنگھ ولد سُرجیت سنگھ ساکنہ رنجیت پور ایکمپ گول گجرال جموں۔ گھر سے فرار ہے اور روپوش ہو گیا ہے جس سے ملزم کی دستیابی بطریق آسانی مشکل ہے۔

لہذا ملزم کے خلاف کارروائی زیر دفعہ 512 ض ف بعمل لائی جا کر اہلکاران پولیس ریاست جموں و کشمیر کو حکم و اختیار دیا جاتا ہے کہ ملزم متذکرہ بالا جہاں کہیں بھی اندر حدود ریاست دستیاب ہو تو اُسے فوراً گرفتار کر کے عدالت ہذا میں پیش کریں۔

شری اشیش گپتا (ملزم) بنام میسر سپر امر رولر

پرچہ علت نمبر سال

بجرائم زیر دفعات 138 Act N. Complaint u/s.

وارنٹ گشتی عام زیر دفعہ 512 ض ف

حکم بنام : اہلکاران پولیس ریاست جموں و کشمیر بخلاف ملزم صدر۔

معاملہ مندرجہ عنوان اُلصدر میں ملزم کو بارہا بذریعہ وارنٹ گرفتاری بلا ضمانتی طلب کیا گیا ہے۔ الا ملزم کی دستیابی نہ ہوئی ہے اور وارنٹ ہذا پر تعمیل آئی ہے کہ ملزم دھرم پال ولد شمشیر چند قوم بٹوال ساکنہ کھوڑمیل آرائیس پورہ۔ گھر سے فرار ہے اور

روپوش ہو گیا ہے جس سے ملزم کی دستیابی بطریق آسانی مشکل ہے۔

لہذا ملزم کے خلاف کارروائی زیر دفعہ 512 ض ف بعمل لائی جا کر اہلکاران پولیس ریاست جموں و کشمیر کو حکم و اختیار دیا جاتا ہے کہ ملزم متذکرہ بالا جہاں کہیں بھی اندر حدود ریاست دستیاب ہو تو اُسے فوراً گرفتار کر کے عدالت ہذا میں پیش کریں۔

Allahabad Banak Ltd. بنام Narinder Singh Jaggi and another

علت نمبر 77 سال 2004ء، تھانہ پولیس بٹناہ

بجرائم زیر دفعات 138 N. I. Act

وارنٹ گشتی عام زیر دفعہ 512 ض ف
حکم بنام : اہلکاران پولیس ریاست جموں و کشمیر۔

معاملہ مندرجہ عنوان اُلصدر میں ملزم کو بارہا بذریعہ وارنٹ گرفتاری بلا ضمانتی طلب کیا گیا ہے۔ الا ملزم کی دستیابی نہ ہوئی ہے اور وارنٹ ہذا پر تعمیل آئی ہے کہ ملزم نریندر سنگھ جگلی ولد نامعلوم پتہ مکان نمبر 80 سیکٹر -G سینک کالونی، جموں۔ گھر سے فرار ہے اور روپوش ہو گیا ہے جس سے ملزم کی دستیابی بطریق آسانی مشکل ہے۔

لہذا ملزم کے خلاف کارروائی زیر دفعہ 512 ض ف بعمل لائی جا کر اہلکاران پولیس ریاست جموں و کشمیر کو حکم و اختیار دیا جاتا ہے کہ ملزم متذکرہ بالا جہاں کہیں بھی اندر حدود ریاست دستیاب ہو تو اُسے فوراً گرفتار کر کے عدالت ہذا میں پیش کریں۔

سرکار بنام کلیر سنگھ وغیرہ
پرچہ علت نمبر 53 سال 2003ء، تھانہ پولیس باہون فورٹ
جرم زیر دفعہ 407 of RPC
وارنٹ گشتی عام زیر دفعہ 512 ض ف
حکم بنام : اہلکاران پولیس ریاست جموں و کشمیر۔

معاملہ مندرجہ عنوان اُصدر میں ملزم کو بار بار ہڈ ریعہ وارنٹ گرفتاری
بلا ضمانتی طلب کیا گیا ہے۔ الا ملزم کی دستیابی نہ ہوئی ہے اور وارنٹ ہذا پر تعمیل آئی
ہے کہ ملزم نمبر (3) کینگ پال سنگھ ولد بجن سنگھ قوم سکھ ساکنہ کنٹورہ بارہمولہ
کنڈیکٹر JK 05-308 Truck No۔ گھر سے فرار ہے اور روپوش ہو گیا ہے جس
سے ملزم کی دستیابی بطریق آسانی مشکل ہے۔

لہذا ملزم کے خلاف کارروائی زیر دفعہ 512 ض ف بعمل لائی جا کر اہلکاران
پولیس ریاست جموں و کشمیر کو حکم و اختیار دیا جاتا ہے کہ ملزم متذکرہ بالا جہاں کہیں بھی
اندر حدود ریاست دستیاب ہو تو اُسے فوراً گرفتار کر کے عدالت ہذا میں پیش کریں۔

دستخط : سپیشل ایکسائز موبائل مجسٹریٹ جموں۔

EXTRAORDINARY

REGD. NO. JK—33



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 129] Srinagar, Sat., the 23rd July, 2016/1st Srav., 1938. [No. 16-2

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE
AND PARLIAMENTARY AFFAIRS

Srinagar, the 23rd July, 2016.

The following Act as passed by the Jammu and Kashmir State
Legislature received the assent of the Governor on 23rd July, 2016 and
is hereby published for general information :—

THE JAMMU AND KASHMIR CIVIC LAWS
(SPECIAL PROVISIONS) (AMENDMENT) ACT, 2016.

(Act No. VIII of 2016)

[23rd July, 2016.]

An Act to amend the Jammu and Kashmir Civic Laws
(Special Provisions) Act, 2014.

Be it enacted by the Jammu and Kashmir State Legislature in the Sixty-seventh Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Jammu and Kashmir Civic Laws (Special Provisions) (Amendment) Act, 2016.

(2) It shall come into force from 1st of January, 2016.

2. *Amendment of section 1, Act III of 2014.*—In section 1 of Jammu and Kashmir Civic Laws (Special Provisions) Act, 2014 (hereinafter referred to as the principal Act), in sub-section (2), for the words and figures, “31st day of December, 2015”, the words and figures, “31st day of March, 2017”, shall be substituted.

3. *Amendment of sections 3 and 4 of Act III of 2014.*—In sections 3 and 4 of the Principal Act, for the words and figures, “31st of December, 2015”, the words and figures, “31st day of March, 2017”, shall be substituted.

(Sd.) ACHAL SETHI,

Additional Secretary to Government,
Department of Law, Justice and Parliamentary Affairs.

EXTRAORDINARY

REGD. NO. JK—33



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 129] Srinagar, Sat., the 23rd July, 2016/1st Srav., 1938. [No. 16-4

Separate paging is given to this part in order that it may be filed as a
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PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE
AND PARLIAMENTARY AFFAIRS

Srinagar, the 23rd July, 2016.

The following Act as passed by the Jammu and Kashmir State
Legislature received the assent of the Governor on 23rd July, 2016 and
is hereby published for general information :—

THE JAMMU AND KASHMIR BRICK KILNS (REGULATION)
(AMENDMENT) ACT, 2016.

(Act No. X of 2016)

[23rd July, 2016.]

An Act to amend the Jammu and Kashmir Brick Kilns (Regulation)
Act, 2010.

Be it enacted by the Jammu and Kashmir State Legislature in the Sixty-seventh Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Jammu and Kashmir Brick Kilns (Regulation) (Amendment) Act, 2016.

(2) It shall come into force from the date of its publication in the Government Gazette.

2. *Amendment of section 3, Act XVII of 2010.*—In section 3 of Jammu and Kashmir Brick Kilns (Regulation) Act, 2010 (hereinafter referred to as the ‘Principal Act’), after sub-section (3), the following sub-section shall be added, namely :—

“(4) No person shall establish a brick kiln or apply for renewal unless he/she,—

- (a) produces transfer of land use rights certificate from Revenue Department ;
- (b) produces environment clearance certificate from the Department of Environment and Remote Sensing ;
- (c) has an adequate mud stock as raw material for such brick kiln on an uneven, unproductive land to be certified by the Director, Agriculture.

3. *Amendment of section 6, Act XVII of 2010.*—In section 6 of the ‘Principal Act’, in sub-section (6), in clause (d) for the words, “five years”, the words, “seven years” shall be substituted.

(Sd.) ACHAL SETHI,

Additional Secretary to Government,
Department of Law, Justice and Parliamentary Affairs.

EXTRAORDINARY

REGD. NO. JK—33



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 129] Srinagar, Sat., the 23rd July, 2016/1st Srav., 1938. [No. 16-6

Separate paging is given to this part in order that it may be filed as a
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PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE
AND PARLIAMENTARY AFFAIRS

Srinagar, the 23rd July, 2016.

The following Act as passed by the Jammu and Kashmir State
Legislature received the assent of the Governor on 23rd July, 2016 and
is hereby published for general information :—

**THE JAMMU AND KASHMIR GENERAL SALES TAX
(AMENDMENT) ACT, 2016**

(Act No. XII of 2016)

[23rd July, 2016.]

An Act to amend the Jammu and Kashmir General Sales Tax
Act, 1962.

Be it enacted by the Jammu and Kashmir State Legislature in the Sixty-seventh Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Jammu and Kashmir General Sales Tax (Amendment) Act, 2016.

(2) It shall come into force from the date of its publication in the Government Gazette.

2. *Amendment in section 25-D, Act XX of 1962.*—In the Jammu and Kashmir General Sales Tax Act, 1962, in section 25-D, after the fourth proviso, the following proviso shall be added, namely :—

“Provided also that the Government may, notwithstanding any Judgment, decree or order of any court or tribunal, or anything contained in this Act, if it is of the opinion that it is expedient to do so in public interest, and subject to such conditions as it may consider necessary, by notification grant one time immunity from penalty for any offence under this Act and/or allow remission of interest on arrears of admitted or assessed tax accrued up to the accounting year 2015-16 in favour of any dealer having defaulted in the payment of tax during the said accounting years provided the entire principal amount of admitted or assessed tax for the said period is cleared by the said dealer within such period, not exceeding six months from the date of notification, as may be specified in such notification.”

(Sd.) ACHAL SETHI,

Additional Secretary to Government,

Department of Law, Justice and Parliamentary Affairs.

EXTRAORDINARY

REGD. NO. JK—33



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 129] Srinagar, Mon., the 25th July, 2016/3rd Srav., 1938. [No. 16-9

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART II—B

Notifications, Notices and Orders by Heads of Departments.

GOVERNMENT OF JAMMU AND KASHMIR,
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
J&K, SRINAGAR.

Present : Kossar Ahmad Qureshi, Presiding Officer

File No. 924/ITLC/14.

Date of Institution : 12-05-2014.

Date of Decision : 15-06-2016.

In the case of :

Tariq Ahmad Malla S/o Ali Mohammad Malla R/o Kakapora, Pulwama,
Kashmir.

(Petitioner/Employee)

Versus

1. General Officer Commanding, HQ 15 Corps Q (Ops.) C/O 56 APO,
Srinagar, Kashmir.

2. Commanding Officer, Col. 7 RR, Badami Bagh Cantonment, Srinagar, Kashmir, C/o 56 APO, Srinagar, Kashmir.
 3. Lt. C/o 7 RR (Punjab) Badami Bagh Contonment, Srinagar, Kashmir, C/o 56 APO, Srinagar, Kashmir.
 4. HQ. 31, Sub-Area Commander, Badami Bagh Contonment, Srinagar, Kashmir, C/o 56 APO, Srinagar, Kashmir.
 5. Director Defense Procurement Officer, Sanat Nagar, Srinagar, Kashmir.
- (Respondents/Employers)

In the Matter of :— Reference under sub-section (2) of section 2A of
the Amendment of 2010 of I. D. Act, 1947.

Apperaring Counsel
Mr. Shabir A. Budoo, Advocate for Petitioner
Memo for Respondents

ORDER/AWARD

The brief facts of the instant case are that the petitioner being permanent resident of the State of Jammu and Kashmir, came to be engaged by the Respondent No. 03 as Porter on contractual/daily wage basis from September, 2002 and after his engagement, the petitioner was smoothly working as Porter without any service break and also wages were paid to the petitioner on each and every month and the last paid wages were Rs. 4600/- per month which was earlier paid by cash and later from the year 2011, the same was credited in the Saving Bank Account of the petitioner running in State Bank of India, B/O Chinara Shopping Complex, Badami Bagh Cantonment, Srinagar, Kashmir and later from the year 2012, the said wages were credited in the account running in Post Office Branch lying in the premises of Respondent No. 04, Srinagar, Kashmir in his account No. 1464150. It is further stated that all of sudden, the Responants, in the month of January, 2013 restrained the petitioner from entering in the office

premises, by issuing instructions to the gate security officer and accordingly the petitioner was not allowed to enter into office premises since January, 2013 and thereafter did not allow the petitioner to perform his duty which the petitioner was performing since September, 2002 for the reason best known to them however the petitioner is not aware as to whether any order of disbanding of the petitioner from his services, has been passed by the Respondents or not nor any reasons or prior notice has been served upon the petitioner and ultimately the said illegal act of the Respondents constrained the petitioner to serve a legal notice to the Respondents on 30/01/2013 through Mr. Nazir Ahmad Beig, Advocate, J&K High Court, Srinagar, Kashmir and in response to the said legal notice, the Respondents have send a reply dated 21/02/2013 where through admitted that the petitioner was engaged as Porter but have wrongly mentioned that the petitioner was engaged since April, 2010 when in fact the petitioner has been engaged since September, 2002 however have mentioned in their reply that the petitioner has been disengaged w. e. f. December, 2012 and further have remained silent as to whether any formal order in this regard has been issued or not. After which the petitioner filed a petition before the Ld. Assistant Labour Commissioner, Srinagar on 26/03/2013 against the said disbanding of the petitioner from the services by the Respondents but the same was returned back by the Ld. Assistant Labour Commissioner, Srinagar for want of jurisdiction by observing that the Respondents are not falling within the definition of "Industry" and also for want of "appropriate Govt.". Thereafter the petitioner approached to the Ld. Regional Commissioner (Central), Jammu, in response to that, the Ld. Regional Labour Commissioner (Central), Jammu vide his Letter No. 28 (Misc)/2013/RLC/Jammu dated 09-10-2013, returned the application back, to the petitioner, with a suggestion to the petitioner, to approach the Ld. Assistant Labour Commissioner, Srinagar for redressal of his grievances. Upon which the petitioner thereafter re-approached the Ld. Assistant Labour Commissioner, Srinagar, Kashmir with a fresh application for initiating conciliation proceedings for resolving the industrial dispute between the petitioner/employee and Respondents/employer. Upon receiving the said fresh application, the

Respondents were put to notice and filed their written objections to the said application by taking the same stand as was taken in the supra reply to the aforesaid legal notice and thereafter the Respondents did not turn up before the Ld. Assistant Labour Commissioner, Srinagar despite waiting for more than two to three months. It is further stated that despite lapse of said period of more than two to three months, the petitioner directly without wasting further time, filed the instant reference petition on 12/05/2014, before this Tribunal, in view of the provisions of sub-section (2) of section 2A of the I. D. Act which confers right to the petitioner to file a reference petition directly before this Tribunal after the expiry of 45 days from the date of receipt of application by the Conciliation Officer and the same provision empowers this Tribunal to entertain and adjudicate upon the issues and claim, prayed for, in the said reference petition.

Upon receiving the instant reference petition, by this Tribunal, the same has been registered and thereafter the Respondents were put to notice who caused their appearance and filed their written objections on 26/11/2014, same has been placed on record and through their aforesaid written objections, the stand of the Respondents is that the petitioner was engaged by the Respondent No. 03 as Casual Porter with 7 RR during the period from April, 2010 to December, 2012 and his appointment was purely need basis as such the petitioner can neither be reinstated nor can be permanently absorbed.

The Respondents later have chosen not to appear, consequently, the Respondents have been set in ex parte on 29/01/2015 resultantly the petitioner was directed to lead evidence in ex parte. Upon which the petitioner in addition to his own, has also produced 04 witnesses total 05 witnesses on affidavits and the same have been placed on record. These 04 witnesses are Sajad Ahmad Mir, Adil Ali Malla, Mohammad Ashraf Dar and Mohammad Ishfaq Bhat. All of them have narrated the same story in their respective affidavits and corroborated the stand of the petitioner in its totality and thereafter on the submission of the petitioner, the right of producing more evidence of the petitioner was closed on 06/05/2015 and the instant reference has been fixed for final arguments.

Heard the petitioner and perused the whole record file and after considering the whole record file, I feel it necessary that before going through the issues involved in the reference, which are 1) whether the termination of the petitioner from his services, by the Respondent is justified ? and 2) Whether the relief prayed for in the reference can be granted or not ? It is very necessary to go first through the two important issues which touching the basic requirements, for deciding the jurisdiction of this Tribunal for the instant reference. These are :—

1. Whether the Respondent's office, for the purpose of the dispute referred in this reference of the petitioner, is falling within the definition of the "Industry" under Industrial Dispute Act, 1947 ?
2. Whether the instant reference petition is maintainable in view of provisions of sub-section (2) of section 2A of the I. D. Act ?

These are the main legal issues which need to be considered by this Tribunal before adjudicating upon the factual issues referred to, in the instant reference petition.

So far as the first legal issue is concerned, i. e. whether the Respondent's office, for the purpose of the dispute referred to, in this reference of the petitioner, is falling within the definition of the "Industry" under Industrial Dispute Act, 1947 ? In response, I am of this opinion that the same depends upon the nature of the work done by the petitioner in the Respondent's office. If the work which was assigned to the petitioner i. e. the job of "Porter" is falling within the activity of the Government relatable to the sovereign function of the Government, then for the purpose of dispute referred to, in the instant reference petition, the Respondents are not falling within the definition of "Industry" in view of the Clause (6) of the Clause (i) of the definition of "Industry" laid down in section 02 under the Act otherwise, the Respondents are falling within the definition of "Industry" in view of the definition of "Industry" under the Act. Now to ascertain whether the nature of the job of "Porter" which the petitioner was assigned

by the Respondents, is an activity relatable to the sovereign function of the Government or not ? In response, since the said job of “Porter” i. e. the Misc. Labour work e. g. gardening, watering plants and also to transport the essential commodities from one place to another in the Respondent’s premises at Badami Bagh, is not any activity relatable in any way directly or indirectly to sovereign function of the Government but is purely a distribution of goods for human consumption. The Porter’s job is totally different to all activities related to sovereign functions of the Government because for sovereign functions of the Government, all activities related to it, are permanent basis but not on need and requirement basis and since the Respondents in the present case in their aforesaid objections expressly and clearly stated that the job of Porter assigned to the petitioner is temporary basis and also need and requirement basis so there is no activity relatable to sovereign function of the Government on temporary and need basis. There are two kinds of activities done in the Respondents premises, one those activities which are directly related to protect the sovereignty of the Government or State and so far as these activities are concerned, the Respondents are not falling within the definition of “Industry” under the Act but so far as activities other than these related to protection of the sovereignty of the Government, like Porter job i. e. like petitioner’s job, the same is not directly or indirectly the activity related to protecting the sovereignty of the State. So on these basis, for the purpose of the dispute referred to, in the instant reference, I am of this opinion that the Respondents are falling within the definition of “Industry” under the Act.

Now so far as the second issue is concerned i. e. whether the instant reference petition is maintainable in view of provisions of sub-section (2) of section 2A of the I. D. Act in view of I. D. Amendment Act, 2010 ? In response, I am of this opinion that since after verbal disbanding of the petitioner from his services, by the Respondent, the petitioner went pillar to post for redressal of his grievances against his verbal termination from his services. Initially the petitioner sent a legal notice to Respondents, thereafter approached the Ld. Assistant Labour Commissioner, Srinagar who initially

returned back the said petition by stating that the Respondent is not falling within the definition of “Industry” and also want of appropriate Government and subsequently the petitioner approached the Ld. Regional Commissioner (Central), Jammu, in response to that, the Ld. Regional Labour Commissioner (Central), Jammu vide his letter No. 28 (Misc)/2013/RLC/Jammu dated 09-10-2013, returned the application back, to the petitioner, with a suggestion to the petitioner, to approach the Ld. Assistant Labour Commissioner, Srinagar for redressal of his grievances and accordingly the petitioner reapproached the said Ld. Assistant Labour Commissioner, Srinagar with a fresh application for redressal of his said grievances along with reply to the above said two quarries which earlier was raised by Ld. Assistant Labour Commissioner, Srinagar but at this time, after his satisfaction over reply to said two quarries, the Ld. Assistant Labour Commissioner, Srinagar initiated the proceedings by issuing a notice to the Respondents who later appeared and submitted their written objections to the said application and later chosen not to appear and subsequently when the Ld. Assistant Labour Commissioner, Srinagar failed to submit the failure report within the period of 45 days despite lapse of more than two/three months, the petitioner in view of above referred provision incorporated in the said Act by the Govt. of India in 2010 which is in force w. e. f. 15th day of September, 2010 by virtue of notification issued by Ministry of Labour and Employment, Notification No. S. O. 227(E) dated September 15, 2010 published in the Gazette of India, Extra. dated 15th September, 2010, P. I. No. 1928, the petitioner without wasting any further time presented the instant reference petition before this Tribunal on 12-05-2014. Under the said amended Act, 2010, this Tribunal has powers to entertain and receive a reference petition directly from the workman after expiry of 45 days, from the date of receipt of application by the Conciliation Officer of the appropriate Government.

Now since after the expiry of 45 days, a right accrued to the petitioner under the aforesaid amendment of 2010 to approach directly to this Tribunal with a reference petition but question here arises that whether the Ld. Assistant Labour Commissioner, Srinagar who acted as Conciliation Officer in the instant

reference prior to the presentation of the instant reference before this Tribunal, has jurisdiction to act as Conciliation Officer in the instant matter the same depends upon whether the appropriate Govt. for the Respondent Industry is State Government or Central Government. In response, I am of this opinion that it is immaterial to this Tribunal whether the appropriate Govt. for the present reference is State Govt. or Central Govt. because under the Act, this Tribunal has jurisdiction for both State Govt. as well as Central Government. But for the maintainability of the present reference which has been presented before this Tribunal directly by the petitioner without reference by the appropriate Government because of the aforesaid amendment of 2010 but the material point is that the instant reference moved under amendment of 2010, is only maintainable when this reference petition is moved after the expiry of 45 days from the date of receipt of the application by the Conciliation Officer of the appropriate Government, the same fact is proved from the record that the instant reference petition has been moved before this Tribunal after the expiry of 45 days from the date of receipt of the application from the petitioner, by the Ld. Assistant Labour Commissioner, Srinagar and subsequently by Regional Labour Commissioner (Central), Jammu and then again by the Ld. Assistant Labour Commissioner, Srinagar but the question here arises whether the Assistant Labour Commissioner, Srinagar has powers to intervene in the dispute referred to, in the instant reference petition, the answer is certainly 'yes' because had he not having such powers for the purpose of the dispute with reference to the instant petition, then he would not have entertained the said application nor he would have acted upon nor he would have issued a notice to the Respondents. And nor the Ld. Regional Labour Commissioner (Central), Jammu would have suggested the petitioner to approach the Ld. Assistant Labour Commissioner. Besides that undisputedly the Ld. Assistant Labour Commissioner and Dy. Labour Commissioner, Kashmir is the referral authority and also Conciliation Officers in view of THE INDUSTRIAL DISPUTES (JAMMU AND KASHMIR STATE) RULES, 1972 read with S. R. O. 405 of 1986 dated 18/07/1986 Labour, Stationary and Printing Department while as the Chief Labour Commissioner (Central) and the

Assistant Labour Commissioner (Central) are the only referral authorities but not Conciliation Officers for dispute related to industry for which the appropriate Government is Central Government. in view of sub-clause (f) of section 02 of the “INDUSTRIAL DISPUTES (CENTRAL) RULES, 1957”. In said rules framed by Central Government, there is no talk of appointment of Conciliation Officers but is only talk of Referral Authorities. Conciliation Officers and the Referral Authorities were earlier one and a same thing under the Central Industrial Dispute Rules, 1957 but prior to the amendment of 2010 however after the amendment of 2010 of the Act, the said two terms have now become two different terms because prior to said amendment of 2010, the reference petition can't be filed directly before this Tribunal without the reference by the Referral Central Government but after submitting the failure report to the appropriate Government by the Referral Authorities of the Central Government, under aforesaid rules, the Referral Authorities of the Central Govt. were submitting failure reports to the Central Government and thereafter the appropriate Government was later were making reference of the Industrial Dispute, for adjudication, to this Tribunal that is why the said Referral Authorities were earlier acting as in dual capacity i. e. as Conciliation Officers as well as Referral Authorities under the Act but after the amendment of 2010, the said rules framed by Central Government has become partly redundant because after such amendment the making of reference of the Industrial Dispute by above said Referral Authorities are not now sine quo non (Pre requisite formality) for referring the Industrial Dispute to the Central Govt. who later would have referred the same to this Tribunal. None of the officer has been appointed as Conciliation Officer by the Central Government for the purpose of the amendment of 2010 of the Act especially for the purpose of amendment of sub-section (2) of section 2A of the I. D. Act. No doubt that the above said officers of the Labour Department of Central Government are Referral Authorities under the aforesaid rules but not Conciliation Officers for the purpose of amendment of sub-section (2) of section 2A of the Act incorporated by amendment of 2010 by Govt. of India. But despite of that the petitioner has approached the Ld. Assistant Labour Commissioner, Srinagar at the

first instance and then to the Regional Labour Commissioner (Central), Jammu and then again to Ld. Assistant Labour Commissioner, Srinagar and after which to this Tribunal, after the expiry of more than 02/03 months from the date of receipt of the application by the Ld. Assistant Labour Commissioner as such the conditions laid down in the sub-section (2) of section 2A of the I. D. Act has been strictly complied with as such this Tribunal has jurisdiction under sub-section (2) of section 2A of the I. D. Act, to adjudicate upon the instant reference petition.

Now coming to the factual and substantial issues of the matter these are as under :—

- (1) Whether the termination of the petitioner from his services by the Respondent, is justified ?
- (2) Whether the relief prayed for in the reference can be granted or not ?

So far as the Issue No. 01 is concerned, I am of this opinion that since the petitioner being permanent resident of the State of Jammu and Kashmir, came to be engaged by the Respondent No. 03 as Porter on contractual/ daily wage basis from September, 2002 and after his engagement, was smoothly working as Porter without any service break and also wages were paid to the petitioner each and every month and the last paid wages were Rs. 4600/- per month which was earlier paid by cash and later from the year 2011 the same was credited in the Saving Bank Account of the petitioner running in State Bank of India, B/O Chinar Shopping Complex, Badami Bagh Cantonment, Srinagar, Kashmir and later from the year 2012 the said wages were credited in the account running in Post Office Branch lying in the premises of Respondent No. 04, Srinagar, Kashmir in his Account No. 1464150 but later all of sudden, the petitioner has been disbanded verbally w. e. f. January, 2013 without assigning any reason and also without any prior notice, after which a legal notice was served upon the Respondents,

to which, the Respondents have also replied the same, the copy of which is on record, where through admitted that the petitioner was engaged as Porter but have mentioned that the petitioner was engaged since April, 2010 and has been disengaged w. e. f. December, 2012 but have remained silent about the passing of any order of termination in writing. However since the petitioner's stand is that he has been engaged since September, 2002 and since then was continuously working there as Porter and in support of this, the petitioner has produced four witnesses, in addition to his own statement, all of them corroborated the stand of the petitioner. Now the question whether the petitioner was engaged since September, 2002 or from April, 2010 but it is admitted fact the petitioner has been disbanded w. e. f. December, 2012. Taking April, 2010 as date of engagement instead of September, 2002 as date of engagement, as such on the basis of such admission on the part of the Respondents, it shows that the petitioner has worked with the Respondents since April, 2010 to December, 2012 i. e. for more than 240 days for a calendar year as such under law a petitioner is a protected workman and a statutory right has accrued to him under section 25B and 25F of the Act by virtue of which the petitioner cannot be disengaged from his services, by the Respondents, without following the due procedure laid down under section 25B and 25F of the Act and any dereliction from such set procedure makes the termination order illegal, and bad in the eyes of law as such being that legal position, the termination of the petitioner from his services, by the Respondent is illegal, invalid, unwarranted and uncalled for and against the principle of natural justice. In view of the above facts and circumstances, the petitioner has rendered services for more than 240 days in calendar year as required as such is protected workman in terms of Act as such since statutory obligation casts upon the Respondent to assign reasons for termination and to give prior notice to the petitioner before terminating his services, which has not been done in the present case but in turn the Respondent has terminated the services of the petitioner in gross violation of the provisions of section 25B and 25F of the Act. In support of this, the petitioner relied upon case law, Titled Ramesh Kumar V/s. State of

Haryana at Para No.13 (AIR 2010 SC 683) in which the Hon'ble Apex Court held as under :—

“It is to be noted that in the case of termination of casual employee what is required to, be seen is whether a workman has completed 240 days in the proceeding twelve months or not. If sufficient materials are shown that workman has completed 240 days then his service cannot be terminated without giving notice or compensation in lieu of it in terms of section 25F. The High Court failed to appreciate that in the present case appellant has completed 240 days in the preceding 12 months and no notice or compensation in lieu of it was given to him, in such circumstances, his termination was illegal”.

Since there is nothing sustainable accepting the averment that the petitioner had left the service at his own as such from the above referred provision and also the above referred Judgment of the Hon'ble Apex Court, I reached on this conclusion that the termination of the petitioner from his services, by the Respondents, is illegal, invalid, unwarranted and uncalled for and against the principle of natural justice. Therefore, the termination of the petitioner by Respondents, is hereby set aside and Respondents are directed to reinstate the petitioner forthwith.

Now coming to the Issue No. 02, the Issue No. 02 was dependent upon the Issue No. 01 and since for the aforesaid reasons the termination of the petitioner from his services, by the Respondents, has been declared as illegal, invalid, unwarranted and uncalled for and against the principle of natural justice, and has been ordered to be reinstated forthwith and since the petitioner is fighting for his reinstatement from last 04 years before different forums and this Tribunal and since the petitioner has stated that he is not employed anywhere during this period and more so since the petitioner has suffered a lot during this long period of 04 years during which the petitioner not only suffered financially but also mental agony as such under

these peculiar circumstances, the petitioner is entitled for all full back wages since his termination which the petitioner is entitled under law, relying upon the Judgment of Hon'ble Apex Court Titled Hindustan Tin Works V/s. Its Employees (AIR 1979 S. C. 75) in which the Hon'ble Apex Court in para No. 09, 10 and 11 held as under :—

“It is no more open to debate that in the field of Industrial Jurisprudence a declaration can be given that the termination of service is bad and the workman continues to be in service. The spectre of Common Law doctrine that contract of personal service cannot be specifically enforced or the doctrine of mitigation of damages does not haunt this branch of law. The relief of reinstatement with certainty of service can be granted where termination of service is found to be invalid. It would mean that the employer has taken away illegally the right to work of the workman contrary to the relevant law or in breach of contract and simultaneously deprived the workman of his earnings. If thus the employer is found to be in the wrong as a result of which the workman is directed to be reinstated, the employer could not shirk his responsibility of paying the wages which the workman has been deprived of by the illegal or invalid action of the employer. Speaking realistically, where termination of service is questioned as invalid or illegal and the workman has to go through the gamut of litigation, his capacity to sustain himself throughout the protracted litigation is itself such an awesome factor that he may not survive to see the day when law's proverbial delay has become stupefying. If after such a protracted time and energy consuming litigation during which period, the workman sustains himself, ultimately he is to be told that though he will be reinstated, he will be denied to back wages which would be due to him, the workman would be subjected to a sort of penalty for no fault of his and it is wholly undeserved. Ordinarily, therefore, a workman whose service has

been illegally terminated would be entitled to be full back wages except to the extent he was gainfully employed during the enforced idleness. That is the normal rule. Any other view would be a premium on the unwarranted letigative activity of the employer. If the employer terminates the service, the service illegally and the termination is motivated as in this case ; viz. to resist the workman's demand for revision of wages, termination may well amount to unfair labour practice. In such circumstances reinstatement being the normal rule it should be followed with full back wages. Articles 41 and 43 of the Constitution would assist us in reaching a just conclusion in this respect..... In this very nature of things there cannot be a strait jacket formula for awarding relief of back wages. All relevant considerations will enter the verdict. More or less, it would be a motion addressed to the discretion of the Tribunal. Full back wages would be the normal rule and the party objecting to it must establish the circumstances necessitating departure. At that stage, the Tribunal will exercise its discretion keeping in view all the relevant circumstances.”

For the foregoing reasons, the issue No. 02 is also decided in favour of the petitioner and against the Respondents as such the petitioner is entitled to all full back wages including the period from his termination till the petitioner resumes his services with all benefits.

Accordingly the Respondents are directed to reinstate the petitioner forthwith and with a further direction to Respondents to pay the aforesaid full back wages in favour of the petitioner within a period of three months failing which thereafter the Respondents have to pay the said full back wages to the petitioner along with interest @ 08% till final realization.

The reference petition filed by the petitioner, in view of amendment of sub-section (2) of section 2A of the Industrial Dispute Act, 1947 incorporated by amendment of 2010, is answered accordingly. Copy of this

award be sent to the Appropriate Government through its Commissioner/ Secretary, Labour Department for information and publication in the Government Gazette.

File after its due compilation be consigned to records.

Announced :

Dated : 15-06-2016.

(Sd.) KOSSAR AHMAD QURESHI,

District and Sessions Judge,
Presiding Officer,
Industrial Tribunal-cum-Labour Court,
J&K, Srinagar.